



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

9/13
Dmt
123102

Applicant(s): Friddle *et al.*

Application No.: 09/938,330

Group Art Unit: 1652

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Filed: 08/22/01

Examiner: W.M. Moore

DEC 12 2002

TECH CENTER 1600/2900

Title: Novel Human Proteases and
Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0221-USA

**RESPONSE TO NOTICE TO COMPLY ATTACHED
TO OFFICE ACTION MAILED SEPTEMBER 6, 2002**

Commissioner for Patents
Arlington, VA 22202

Sir:

In response to the Notice to Comply mailed September 6, 2002, in connection with the above-identified application, Applicants submit herewith: (i) a Sequence Listing in computer readable form pursuant to 37 C.F.R. § 1.821 (e), revised pursuant to 37 C.F.R. § 1.822(c)(3); (ii) a Verified Statement Concerning Sequence Listing Under 37 C.F.R. § 1.821(f); and (iii) a paper copy of the Sequence Listing. Applicants respectfully request the entry of the computer readable form of the revised Sequence Listing into the file.

Applicants believe that no fee is due in connection with this response. However, the Commissioner is authorized to charge any additionally required fee to Deposit Account No. 50-0892.

Respectfully submitted,

December 5, 2002

Date

Lance K. Ishimoto by *Peter G. Seeger*
Lance K. Ishimoto Reg. No. 41,866

LEXICON GENETICS INCORPORATED
(281) 863-3333



24231

PATENT TRADEMARK OFFICE

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. Other: See instructions at pages 2 and 3 of the accompanying Office communication.

Applicant must provide:

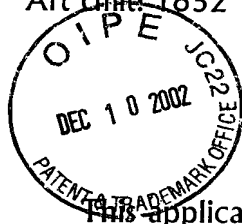
- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
For CRF submission help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

Please return a copy of this notice with your response.

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DETAILED ACTION

Notice to Comply

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2).
5 However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reasons set forth below:

A. Nucleic acid sequences of SEQ IDs NOs: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 24 and 26 that were submitted in both printed and in computer-readable forms with the application each contain coding sequence regions - open reading frames - that have not
10 been set forth in accord with 37 CFR 1.822(c)(2) and (c)(3) which state:

(2) The bases in a nucleotide sequence (including introns) shall be listed in groups of 10 bases except in the coding parts of the sequence. Leftover bases, fewer than 10 in number, at the end of noncoding parts of a sequence shall be grouped together and separated from adjacent groups of 10 or 3 bases by a space.

15 (3) The bases in the coding parts of a nucleotide sequence shall be listed as triplets (codons). The amino acids corresponding to the codons in the coding parts of a nucleotide sequence shall be typed immediately below the corresponding codons. Where a codon spans an intron, the amino acid symbol shall be typed below the portion of the codon containing two nucleotides.

20 (Emphases supplied). No coding region in any nucleotide sequence provides the triplet codons and there is no depiction of the encoded amino acids beneath their corresponding codons as required by 37 CFR 1.822(c)(3).

B. The first 16 amino acids of SEQ ID NO:2 are absent from the printed copy of the sequence listing submitted with the application. The original CRF includes the initial 16
25 amino acids of SEQ ID NO:2, thus Applicant's "Verified" Statement filed with the application stating that "the contents of the paper and original computer readable copies of the Sequence Listing are the same" is untrue.

Applicant's attention is also directed to 37 CFR 1.825 and to MPEP §2426.

In response to this communication, Applicant MUST supply each of the following:

30 1) a new, printed, copy of the sequence listing wherein ALL nucleotide sequences are set forth as required by 37 CFR 1.822(c)(3) and wherein ALL amino acids in each amino sequence are set forth, as an Amendment to the specification with directions to replace the originally-submitted printed form of the Sequence Listing with the new printed form of the Sequence Listing,

35 2) a new copy of the sequence listing in computer readable form [CRF] on a properly-labeled diskette wherein ALL nucleotide sequences are set forth as required by 37 CFR

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1.822(c)(3), and wherein ALL amino acids in each amino sequence are set forth, together with directions to replace the originally-submitted CRF with the new CRF, and,

3) a Statement pursuant to 37 CFR 1.821(f) attesting to the identity of the disclosure of both the printed and computer-readable forms of the sequence listing.

- 5 Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of
10 the attached Notice to Comply with the reply.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- 15 1. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 451-amino acid sequence set forth in SEQ ID NO:2, classified in class 530, subclass 350.
2. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 297-amino acid sequence set forth in SEQ ID NO:4, classified in class 530, subclass 350.
- 20 3. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 486-amino acid sequence set forth in SEQ ID NO:6, classified in class 530, subclass 350.
4. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,222-amino acid sequence set forth in SEQ ID NO:8, classified in class 530, subclass 350.
- 25 5. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,219-amino acid sequence set forth in SEQ ID NO:10, classified in class 530, subclass 350.
6. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,216-amino acid sequence set forth in SEQ ID NO:12, classified in class 530, subclass 350.
- 30 7. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,213-amino acid sequence set forth in SEQ ID NO:14, classified in class 530, subclass 350.
8. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,235-amino acid sequence set forth in SEQ ID NO:16, classified in class 530, subclass 350.
- 35 9. Claim 1, drawn in part to a nucleic acid sequence encoding a polypeptide having the 1,232-amino acid sequence set forth in SEQ ID NO:18, classified in class 530, subclass 350.

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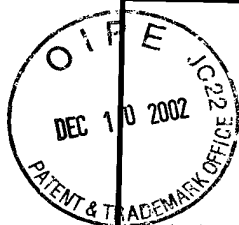
Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/938,330
		Filing Date	08/22/01
		First Named Inventor	Friddle
		Group Art Unit	1652
		Examiner Name	W.M. Moore
Total Number of Pages in This Submission	103	Attorney Docket Number	LEX-0221-USA

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard Copy of sequence listing (96 pages)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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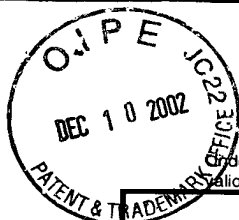
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto</i> <i>Peter G. Seaman</i> Reg No 40162
Date	December 5, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on December 5, 2002 this date:			
Typed or printed name	Nancy Stacey		
Signature	<i>Nancy Stacey</i>	Date	December 5, 2002

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C300/1652

PTO/SB/21 (12-97)
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		Group Art Unit	1652
		Examiner Name	W.M. Moore
Total Number of Pages in This Submission	101	Attorney Docket Number	LEX-0221-USA

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<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	Verified Statement and Sequence List on Diskette
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request of Refund	Copy of sequence listing (96 pages)
<input checked="" type="checkbox"/> Response to Notice to Comply	Remarks	Copy of Notice to Comply
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		



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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto</i> <i>Patent Attorney</i> <i>Reg No 40162</i>
Date	December 5, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on this date:			
Typed or printed name		Nancy Stacey	
Signature	<i>Nancy Stacey</i>	Date	December 5, 2002

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